

MUNICIPAL GOVERNMENT

CHAPTER 278

SENATE BILL NO. 2371

(Senator Laffen)
(Representative Mock)

AN ACT to create and enact subsection 30 to section 40-05-02 of the North Dakota Century Code, relating to the authority of a city council or board of city commissioners to establish administrative boards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Subsection 30 to section 40-05-02 of the North Dakota Century Code is created and enacted as follows:

30. Establishment of administrative boards. To establish administrative boards or committees for the limited purpose of adjudicating a violation of a noncriminal city ordinance or noncriminal city code. An administrative board or committee may impose fines or other noncriminal penalties, including issuing orders of suspension and revocation of a permit or license. A decision by an administrative board or committee is subject to appeal to the governing body of the municipality.

Approved April 1, 2015
Filed April 1, 2015

CHAPTER 279

HOUSE BILL NO. 1245

(Representatives Dockter, Rick C. Becker)
(Senator Poolman)

AN ACT to amend and reenact sections 40-08-24, 40-08-26, and 40-11-05 of the North Dakota Century Code, relating to the enforcement of city ordinances and the power of a city council to override the veto of a mayor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-08-24 of the North Dakota Century Code is amended and reenacted as follows:

40-08-24. Ordinance or resolution signed or vetoed by mayor.

The mayor shall sign or veto each ordinance or resolution passed by the council. Any action vetoed by the mayor may be overridden by the city council as provided under section 40-11-05.

SECTION 2. AMENDMENT. Section 40-08-26 of the North Dakota Century Code is amended and reenacted as follows:

40-08-26. Mayor may call on ~~male inhabitants~~residents to aid in enforcing ordinances.

When necessary, the mayor may call on each ~~male inhabitant~~resident of the city over the age of eighteen years to aid in enforcing the laws and ordinances of the city.

SECTION 3. AMENDMENT. Section 40-11-05 of the North Dakota Century Code is amended and reenacted as follows:

40-11-05. Ordinances and resolutions adopted in council cities - Mayor's veto power - Reconsideration after veto.

An ordinance or resolution adopted by the city council of a city operating under the council form of government is not enacted until ~~it~~the ordinance or resolution is approved by the mayor or passed over the mayor's veto. An ordinance or resolution passed by the governing body of a city operating under the council form of government ~~shall~~must be deposited in the office of the city auditor for the approval of the mayor. If the mayor approves ~~such~~the ordinance or resolution, the mayor shall sign the ~~same~~ordinance or resolution. An ordinance or resolution not approved by the mayor ~~shall~~must be returned by the mayor with the mayor's objections in writing to the next regular or special meeting of the council occurring not less than five days after the passage ~~thereof~~of the ordinance or resolution. The veto may extend to an entire ordinance or resolution or to any one or more items or appropriations contained in any ordinance or resolution making an appropriation. If a veto extends to only a part ~~only~~ of an ordinance or resolution, the residue ~~shall take~~takes effect ~~and be in force~~. If the mayor fails to return any ordinance or resolution with the mayor's objections within the time specified in this section, the mayor ~~shall be~~is deemed to have approved the ~~same~~ordinance or resolution. Any veto of an ordinance ~~which has been vetoed in whole or in part~~or resolution may be ~~reconsidered~~overridden by the city council, and

if two-thirds of its members ~~shall pass such ordinance, it shall be a motion to override the veto. Upon such action, the ordinance or resolution is effective notwithstanding the veto.~~ The vote to pass an ordinance or resolution over the mayor's veto ~~shall~~must be taken by yeas and nays and entered in the journal.

Approved March 27, 2015

Filed March 27, 2015

CHAPTER 280

HOUSE BILL NO. 1340

(Representatives Owens, Belter, Dockter, Keiser, K. Koppelman, Weisz)
(Senator Burckhard)

AN ACT to amend and reenact section 40-22-18 of the North Dakota Century Code, relating to methods of protest of special assessment projects; to provide for a legislative management study; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-22-18 of the North Dakota Century Code is amended and reenacted as follows:

40-22-18. Protest bar to proceeding - Invalid or insufficient protests - Payment of costs - Tax levy.

If the governing body finds the protests to contain the names of the owners of a majority of the area of the property included within the improvement district, the protests shall be a bar against proceeding further with any special assessment for the improvement project. However, the protests do not bar proceeding with the improvement project described in the plans and specifications if the governing body funds the project with funds other than special assessments. If the governing body finds the protests to contain the names of the owners of a majority of any separate property area included within the district, such protests shall be a bar against proceeding with the portion of such improvement project, the cost of which is special assessments to be assessed in whole or in part upon property within such area, but shall not bar against proceeding with the remainder of the improvement project or assessing the cost thereof against other areas within the district, unless such protests represent a majority of the area of the entire district. If the protests represent a majority of the area of the entire district, such protests bar any special assessment for the improvement project.

The termination of proceedings, by reason of protest or otherwise, shall not relieve the municipality of responsibility for payment of costs theretofore incurred and for payment of such costs a municipality may, if funds on hand and available for the purpose are insufficient, issue its certificates of indebtedness or warrants, or levy a tax which shall be considered a tax for a portion of the cost of a special improvement project by general taxation within the meaning of section 57-15-10. If the protests are found to be insufficient or invalid, the governing body may cause the improvement to be made and may contract or otherwise provide in accordance with this title for the construction thereof and the acquisition of property required in connection therewith and may levy and collect assessments therefor.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - STATUTORY PROVISIONS OF INDEBTEDNESS FOR POLITICAL SUBDIVISIONS. During the 2015-16 interim, the legislative management shall consider studying all statutory provisions on indebtedness that may be incurred by political subdivisions, whether or not subject to debt limitations. The study must also include collection of any available information on the kinds and amounts of current indebtedness of political subdivisions and determination of whether that information is available or accessible to the public.

The legislative management shall report its findings and recommendations, together with any information necessary to implement the recommendations, to the sixty-fifth legislative assembly.

SECTION 3. EFFECTIVE DATE. This Act is effective for special assessment improvement projects initiated after July 31, 2015.

Approved April 13, 2015

Filed April 13, 2015

CHAPTER 281

HOUSE BILL NO. 1392

(Representatives Nathe, Dockter, Owens)
(Senators Cook, Poolman, Unruh)

AN ACT to create and enact a new section to chapter 40-22 of the North Dakota Century Code, relating to adoption of municipal policy establishing special assessment determination methods for allocation of assessments among and within classes of property; and to amend and reenact section 40-53.1-07 of the North Dakota Century Code, relating to the disposition of the property of a dissolved city by a county.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 40-22 of the North Dakota Century Code is created and enacted as follows:

Municipal policy providing special assessment determination methods for allocation of assessments among and within classes of property.

Within five months of this section becoming applicable to a city, the governing body of each city with a population exceeding ten thousand shall adopt written policies, after a public hearing for consideration of the policies, which will be applied for cost allocation among properties benefited by a special assessment project. Policies established under this section must provide separately the policy that will be applied for cost allocation for each kind of special assessment and the cost allocation method for residential, commercial, and agricultural property and for any property subject to separate or special assessment factors or assessment rates.

SECTION 2. AMENDMENT. Section 40-53.1-07 of the North Dakota Century Code is amended and reenacted as follows:

40-53.1-07. Dissolution - Care of property - Manager - Disposition of funds.

If a city is dissolved, the board of county commissioners shall assume control of all property belonging to the dissolved city and shall employ a qualified person to manage and operate the property and to collect all charges due from the operation of such property or dispose of the property in accordance with chapter 11-27. The person employed shall execute a bond to the county in an amount determined by the board of county commissioners, conditioned that that person will faithfully perform that person's duties and will promptly pay all money that person receives to the county treasurer monthly on the first day of each month. The bond shall be executed by the person employed and a surety company authorized to do business in the state. The premium on the bond shall be paid by the board of county commissioners from city funds, if any, and if none, from county funds.

Approved April 22, 2015
Filed April 22, 2015

CHAPTER 282

SENATE BILL NO. 2329

(Senators Flakoll, Burckhard, Nelson)
(Representatives Keiser, Thoreson, Vigesaa)

AN ACT to amend and reenact subsection 1 of section 40-63-03 and subsection 5 of section 40-63-07 of the North Dakota Century Code, relating to the size of a renaissance zone and renaissance zone tax exemptions; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 40-63-03 of the North Dakota Century Code is amended and reenacted as follows:

1. A city may apply to the department of commerce division of community services to designate a portion of that city as a renaissance zone if the following criteria are met:
 - a. The geographic area proposed for the renaissance zone is located wholly within the boundaries of the city submitting the application.
 - b. The application includes a development plan.
 - c. The proposed renaissance zone is not more than ~~twenty-three~~thirty-four square blocks, except in a city with a population of greater than five thousand the renaissance zone may exceed ~~twenty-three~~thirty-four square blocks at the rate of one additional block for each additional five thousand population to a maximum size of ~~thirty-eight~~forty-nine blocks. Population is based upon the most recent federal decennial census or federal census estimate.

If a city finds that renaissance zone projects have satisfactorily completed one or more blocks within the renaissance zone, the city may apply for and the department of commerce division of community services may approve withdrawal of those blocks from the renaissance zone and replacement of those blocks with other blocks that otherwise meet the requirements of this chapter.

- d. Except as provided under subdivision g, the proposed renaissance zone has a continuous boundary and all blocks are contiguous.
- e. The proposed land usage includes both commercial and residential property.
- f. The application includes the proposed duration of renaissance zone status, not to exceed fifteen years. Upon application by the city, the department of commerce division of community services may extend the duration of renaissance zone status in increments of up to five years.

- g. The proposed renaissance zone may have a single exception to the continuous boundary and contiguous block requirements under subdivision d if the area of the excepted noncontiguous blocks does not exceed three square blocks.

SECTION 2. AMENDMENT. Subsection 5 of section 40-63-07 of the North Dakota Century Code is amended and reenacted as follows:

5. The total amount of credits allowed under this section may not exceed, in the aggregate, ~~eight million five hundred thousand~~ ten million five hundred thousand dollars for investments in renaissance fund organizations. A renaissance fund organization that has received investments that qualify for the credits under this subsection shall use those investments to finance projects within a renaissance zone.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act is effective for taxable events occurring after December 31, 2014.

Approved March 30, 2015
Filed March 31, 2015